UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,311	05/30/2000	Gary Barnett	002950.P055	2259

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EXAMINER
ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/583,311	BARNETT ET AL.
	Examiner	Art Unit	
	Trent J Roche	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 January 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4-13,16-25 and 28-36_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4-13,16-25 and 28-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 May 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to Amendment A filed 9 January 2004.

2.   Per applicant's request, amended claims 1, 4-13, 16-25 and 28-36 have been entered. Claims

2-3, 14-15 and 26-27 have been canceled. Claims 1, 4-13, 16-25 and 28-36 are now pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim1, 4, 6, 8-10, 13, 16, 18, 20-22, 25, 28, 30 and 32-34 are rejected under 35 U.S.C. 103(a)

as being unpatentable over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent 6,457,142 to

Klemm et al.

Regarding claim 1:

Shrader et al teach:

-      a method of testing a first program ("testing...the applet..." in col. 4 line 44)

-      reading an input file containing a location of a first program, identifiers of other programs to

be invoked by the first program, and arguments to be passed to the other programs ("URL

test array utilized by test/run program...includes n entries each having attributes containing

the URL or a similar identifier for the source page including the applet(s) to be tested or run,

the parameters...to be employed in testing or running the applet, the web browser

application to run the test under...URL test array is created by test/run program when it reads test input file..." in col. 4 lines 39-48)

- input file including special commands ("Test input file includes a list of URLs that contain the applets to be run. Each row may contain the name of the executable to be run and the number of times the URL should be reloaded..." in col. 5 lines 37-40)

- a loop command to cause execution of the first program including repeating of instructions for a number of iterations until occurrence of an endloop instruction ("setting a 'Loop' counter variable employed to store the number of times each source page has been reloaded to an initial value...The process then passes...a determination of whether the number of repeats specified for the selected test array entry is less than or equal to the current value of the Loop counter variable." in col. 7 lines 11-32. Further, in col. 7 lines 61-65, it is stated "if the current value of the test array index counter is not less than or equal to the number of entries within the test array, indicating that all test array entries have been processed in the current loop through the test array, the process proceeds instead to step 322..." The endloop instruction is issued when the loop counter variable becomes greater than the number of entries.)

- executing the first program including invoking the other programs and passing the arguments to the other programs ("starting a web browser application with the selected test array entry identifier and parameters as arguments for the web browser. The source page identified within the selected test array entry is loaded using the specified parameters..." in col. 7 lines 34-38)

- generating one or more log files based on results of the execution of the first program ("As it executes, test/run program writes to test output file..." in col. 5 lines 12-13)

substantially as claimed. Shrader et al do not disclose a sleep command that causes execution of the first program to pause for a specified time. Klemm et al disclose in an analogous java monitoring system a sleep command that causes execution of the first program to pause for a specified time ("The thread check method is started...that causes a wait for a user specified 'n' milliseconds." in col. 17 lines 33-35). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the process delay method of Klemm et al with the java based testing system of Shrader et al. The combination would be operative by adding instruction code to Shrader et al's testing program to perform specifically Klemm et al's step 801 (Fig. 8) between Shrader et al's steps 502 and 504 (Fig. 5). One of ordinary skill in the art would have been motivated to implement such a combination as this would ensure that testing occurs on a process or program when the system has ensured that there will be no conflicts between the testing program and the process in the system disclosed by Shrader et al.

Regarding claim 4:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose an input file including a text file ("create test input file for text/run program with all URLS which need to be tested..." in col. 6 lines 18-19. URLs are text, therefore the input file is a text file.)

Regarding claim 6:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose other programs being an Application Program Interface (API) ("testing or running of the applet..." in col. 4 line 44. An applet consists of commands from the Java API.)

Regarding claim 8:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose a log file including a text file ("write out error and status messages to test output file..." in col. 6 lines 45-46. The messages are text, therefore the log file is a text file.)

Regarding claim 9:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose each entry in a log file being date and time stamped ("write out error and status messages to test output file..." in col. 6 lines 45-46. The act of recording status information will inherently keep track of a time signature for the recorded action.)

Regarding claim 10:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose where the contents of said one or more log files includes contents that are based on the results of the execution of the first program and the other programs ("Test output file records the results of strings passed to methods...within the applets." in col. 5 lines 54-56.)

Regarding claims 13, 16, 18 and 20-22:

Claims 13, 16, 18 and 20-22 recite a system for performing the methods of claims 1, 2, 4, 6 and 8-10, respectively, and are rejected for the reasons set forth in connection with claims 1, 2, 4, 6 and 8-10, respectively. Further, Shrader et al disclose a system ("A system for executing applets..." in col. 11 line 24)

Regarding claims 25, 28, 30 and 32-34:

Claims 25, 28, 30 and 32-34 recite a system for performing the methods of claims 1, 2, 4, 6 and 8-10,

respectively, and are rejected for the reasons set forth in connection with claims 1, 2, 4, 6 and 8-10,

respectively. Further, Shrader et al disclose a computer readable medium ("A computer program

product within a computer usable medium…" in col. 12 lines 10-11)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 7, 11, 19, 23, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent 6,457,142 to Klemm et al, further

in view of U.S. Patent 6,205,412 to Barskiy et al.

Regarding claim 7:

The rejection of claim 1 is incorporated, and further, neither Shrader et al nor Klemm et al disclose a

program sending commands to an Automatic Call Distributor (ACD) switch through a CTI server.

Barskiy et al disclose in an analogous computer-based testing system a program sending commands

to an Automatic Call Distributor (ACD) through a CTI server. ("call centers…are capable of certain

functions in switching, such as Automatic Call Distribution (ACD)…applications executed on a CTI

processor…" in col. 3 line 48 to col. 4 line 3). It would have been obvious to someone of ordinary

skill in the art at the time the invention was made to use the computer simulation system of Barskiy

et al with the testing system of Shrader et al modified by Klemm et al, as the java based testing

system of Shrader et al modified by Klemm et al, which is designed to apply equally regardless of the

particular type of signal bearing media, could be used to improve the software simulation module in

the system disclosed by Barskiy et al by enabling the ability to operate on a wide variety of

telephonic devices.

Regarding claim 11:

The rejection of claim 1 is incorporated, and further, Shrader et al discloses wherein the contents of

one of said one or more log files are based on results of execution of the first program ("Test output

file records the results of strings passed to methods…within the applets." in col. 5 lines 54-56).

Neither Shrader et al nor Klemm et al disclose where the contents are based on responses from an

Automatic Call Distributor (ACD) switch. Barskiy et al disclose in an analogous computer-based

testing system wherein the contents are based on responses from an Automatic Call Distributor

(ACD) switch ("a Simulated Telephony Objects Module (STOM)…represent such as…ACD…" in

col. 4 lines 30-32. Further, "calls placed by STOM over path are modeled, and calls returned as a

function of the outgoing calls over path are also modeled." in col. 4 lines 65-67. The modeling is

done based on responses to and from an ACD). It would have been obvious to someone of

ordinary skill in the art at the time the invention was made to use the response-based modeling

system of Barskiy et al with the java based testing system of Shrader et al modified by Klemm et al,

as the logging system as disclosed by Shrader et al modified by Klemm et al would further enhance

the simulation capabilities in the system disclosed by Barskiy et al by enabling a user to view a textual

representation of the telephony system.

Regarding claims 19, 23, 31 and 35:

The rejection of claims 13 and 25 are incorporated, respectively, and further, claims 19 and 23 recite

a system and claims 31 and 35 recite a computer readable medium for performing the methods of

claims 7 and 11, respectively, and are rejected for the reasons set forth in connection with claim 7

and 11, respectively.

7.   Claims 5, 12, 17, 24, 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent 6,457,142 to Klemm et al, further

in view of U.S. Patent in view of U.S. Patent 6,601,018 to Logan.

Regarding claim 5:

The rejection of claim 1 is incorporated, and further, neither Shrader et al nor Klemm et al disclose a

first program being a Java Bean. Logan discloses in an analogous java based testing system a

program being a Java Bean ("When testing components, e.g., JavaBeans..." in col. 7 lines 29-30). It

would have been obvious to someone of ordinary skill in the art at the time the invention was made

to use the Java Bean based component system of Logan as one of the programs in the java based

testing system of Shrader et al modified by Klemm et al, as this would allow a component to be

tested prior to using the component in an application in the system disclosed by Shrader et al

modified by Klemm et al, enabling the user to easily determine if an error exists within the Java Bean

component.

Regarding claim 12:

The rejection of claim 1 is incorporated, and further, neither Shrader et al nor Klemm et al disclose generating one or more files containing expected results of execution of the first program and other programs, and comparing one or more of the files containing expected results to one or more of the log files. Logan discloses in an analogous java based testing system a comparison as claimed ("background tests include those where the expected outcome of the test is known, so that a simple comparison between the expected outcome and the actual outcome can be performed in the background to test for proper functioning." in col. 8 lines 20-25). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the comparison system of Logan with the java based testing system of Shrader et al modified by Klemm et al, as these tests provide a straightforward mechanism for ensuring that quality checks are performed in a complete and consistent manner, and that the testing is properly functioning, as stated by Logan in col. 8 lines 20-30.

Regarding claims 17, 24, 29 and 36:

The rejection of claims 13 and 25 are incorporated, respectively, and further, claims 17 and 24 recite a system and claims 29 and 36 recite a computer readable medium for performing the methods of claims 5 and 12, respectively, and are rejected for the reasons set forth in connection with claim 5 and 12, respectively.

Response to Arguments

1.   Applicant's arguments filed 9 January 2004 have been fully considered but they are not

persuasive.

Per claim 1, 13 and 25:

The Applicant states that Shrader et al (hereafter referred to as Shrader) does not teach or suggest

the input file having special commands including a combination of a loop command to repeat the

instructions until an endloop instruction has occurred, and a sleep command to pause the execution

as recited in amended claim 1. In response, it is noted in the prior office action that the rejection

regarding now canceled claim 2 disclosed an input file specifying special commands, one of which,

as admitted by the Applicant on page 11 of the remarks, is a "parameter for testing" wherein one of

these parameters is used for indicating "the number of times…testing or running of the applet(B)

identified by the source URL is to be repeated" in col. 4 lines 45-47. The Examiner admits that

Shrader states that the file *may* not contain a number of times for repeating the test or execution, but

a default number of times would instead be used. Even in this instance, a loop command causing

execution of a program *for a number of iterations* (emphasis added) is being performed, whether that

number of iterations is a default value or supplied elsewhere. Furthermore, for the limitation

regarding the sleep command to pause the execution as recited in amended claim 1, it is noted in the

prior office action that Shrader does not disclose a sleep command, but rather, Klemm et al

discloses a sleep command as claimed. The Applicant fails to show that the reasons to combine and

motivations concerning the rejections of now canceled claim 3 is improper, and as such, the

combination of Shrader and Klemm et al is maintained.

For these reasons, the rejection of claim 1 is maintained. Further, the rejections of claims 13 and 25 are maintained for the same reasons.

Per claims 4-6, 8-10, 16, 18, 20-22, 26-28, 30 and 32-34:

The Applicant states that claims 4-6, 8-10, 16, 18, 20-22, 28, 30 and 32-34 are allowable as being dependent on independent claims 1, 13 and 25. As indicated above, the rejections of claims 1, 13 and 25 are maintained, and as such, the rejections of claims 4-6, 8-10, 16, 18, 20-22, 28, 30 and 32-34 are maintained.

Per claims 5, 7, 11, 12, 17, 19, 23, 24, 29, 31, 35 and 36:

The Applicant states that claims 5, 7, 11, 12, 17, 19, 23, 24, 29, 31, 35 and 36 are allowable as being dependent on independent claims 1, 13 and 25. As indicated above, the rejections of claims 1, 13 and 25 are maintained. Further, the Applicant fails to show that the reasons to combine and motivations concerning the rejections of claims 5, 7, 11, 12, 17, 19, 23, 24, 29, 31, 35 and 36 are improper, and as such, the rejections of claims 5, 7, 11, 12, 17, 19, 23, 24, 29, 31, 35 and 36 are maintained.

Conclusion

2.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.
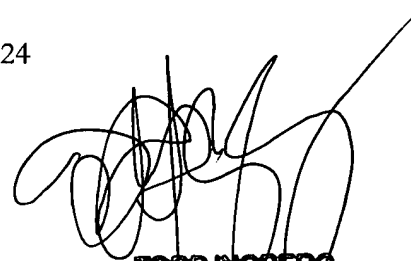
Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can

normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where

this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR

TODD INGBERG
PRIMARY EXAMINER